

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/16/2023

-----X
LORI GARDNER-ALFRED and JEANETTE DIAZ,

Plaintiff,

-v-

FEDERAL RESERVE BANK OF NEW YORK,

Defendant.
-----X

22-cv-01585 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court received the attached correspondence from Mr. Duane Berry. The Court shall disregard it as per the parties' letter from June 13, 2023. Dkt. No. 156.

SO ORDERED.

Dated: June 16, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge

UNITED STATES DISTRICT COURT

**GARDNER-ALFRED et al,
Plaintiffs,**

V.

Case#1:2022cv01585

**FEDERAL RESERVE BANK OF NEW YORK,
Defendant**

NOTICE OF REQUIRED JOINDER

Per automatic substitution of Defendant Federal Reserve Bank of New York (SEIZED FEDERAL SECURITIES) see attached Dkt#136, The Department of Justice Commercial Litigation Branch is now the attorney required on behalf of the U.S. Department of the Treasury and make service on (SEIZED FEDERAL SECURITIES). See attached.

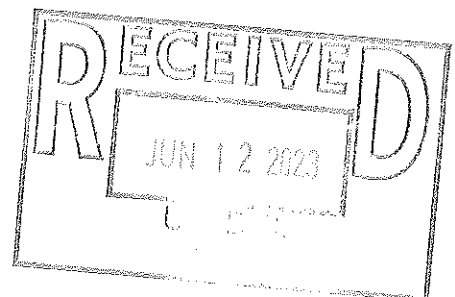
Please update the court's record per attached entry of appearance contact information.

CERTIFICATE OF SERVICE

I declare under penalty of perjury that this notice has been served by U.S. Certified Mail on all parties.

Dated: 06-06-2023

**/s/ DUANE LETROY BERRY (FEDERAL TRUSTEE)
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, D.C. 20220**



		by Federal Reserve Bank of New York. (Attachments: # <u>1</u> Exhibit 1 (Plaintiffs' production cover letter dated February 10, 2023), # <u>2</u> Exhibit 2 (Plaintiffs' production cover letter dated February 23, 2023)).(Leonard, Alex) (Entered: 04/28/2023)
05/01/2023	<u>131</u>	SCHEDULING ORDER: Oral Argument set for 5/9/2023 at 02:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Lewis J. Liman, regarding Defendant's motion for sanctions. Plaintiffs are directed to provide to the Court at the hearing all of the documents withheld from production on the basis that it is spam and all other documents regarding contact with the ministry or payment to the ministry. The Plaintiffs are directed to attend and to be prepared to testify at the request of either counsel for Plaintiff or counsel for Defendants. (HEREBY ORDERED by Judge Lewis J. Liman) (Text Only Order) (mcf) (Entered: 05/01/2023)
05/01/2023	<u>132</u>	ORDER: The Clerk's Office received the attached document. The Court does not believe that any action needs to be taken in response to this "notice." Any party who believes that the document requires action by the Court shall file a letter on ECF by the end of this week. SO ORDERED. (Signed by Judge Lewis J. Liman on 5/01/2023) (ama) (Entered: 05/01/2023)
05/02/2023	<u>133</u>	NOTICE of Hearing: Pre-Settlement Telephone Conference set for 5/10/2023 at 2:30 PM before Magistrate Judge Robert W. Lehrburger. The parties are instructed to review and adhere to Judge Lehrburger's Individual Practices and Settlement Conference Procedures. The parties shall call the teleconference line at (888)-398-2342 and enter access code: 9543348. (rsh) (Entered: 05/02/2023)
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05/03/2023	<u>135</u>	LETTER addressed to Judge Lewis J. Liman from Daphne Ha dated May 3, 2023 re: New Information Relevant to New York Fed's Motion for Discovery Sanctions (Dkt. No. 119). Document filed by Federal Reserve Bank of New York. (Attachments: # <u>1</u> Exhibit A (Plaintiff's March 20, 2023 Offer Letter)).(Ha, Daphne) (Entered: 05/03/2023)
05/03/2023	<u>136</u>	NOTICE OF SUBSTITUTION OF DEFENDANT. Document filed by Duane L. Berry(Federal Trustee), U.S.Dept. of Treasury (sc) Modified on 5/4/2023 (sc). (Entered: 05/04/2023)
05/05/2023	<u>137</u>	SCHEDULING ORDER: The status conference scheduled for 5/10/2023 at 10:00am is cancelled. The Court shall instead address issues related to the status of this case at the oral argument scheduled for May 9, 2023 at 2:30pm. (HEREBY ORDERED by Judge Lewis J. Liman) (Text Only Order) (mcf) (Entered: 05/05/2023)



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

January 24, 2023

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2023-117

Federal Circuit Short Caption: In re: Seized Federal Securities

Date of Docketing: January 24, 2023

Originating Tribunal: United States District Court for the Northern District of Texas

Originating Case No.: 3:21-cv-00393-D-BT

Petitioner: Seized Federal Securities

A petition for writ of mandamus has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

The following filings are due within 14 days of this notice:

- Entry of Appearance or Notice of Unrepresented Person. (Fed. Cir. R. 47.3.)
- Certificate of Interest. (Fed. Cir. R. 47.4; not required for unrepresented and federal government parties unless disclosing information under Fed. Cir. R. 47.4(a)(6))
- Docketing Statement. Note: The Docketing Statement is due in 30 days if the United States or its officer or agency is a party in the appeal. (Fed. Cir. R. 33.1 and the Mediation Guidelines; no docketing statement is required in cases with an unrepresented party)
- Statement Concerning Discrimination in MSPB or arbitrator cases. (Fed. Cir. R. 15(c); completed by petitioner only)
- Fee payment or appropriate fee waiver request, if the docketing fee was not prepaid (see Fee Payment below).

FORM 8A. Entry of Appearance

Form 8A (p.1)
July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ENTRY OF APPEARANCE

Case Number: 2023-117

Short Case Caption: In re: Seized Federal Securities

Instructions: Refer to Fed. Cir. R. 47.3 for requirements governing representation and appearance in this court. Counsel must immediately file an amended Entry of Appearance if contact information changes and update information through PACER's Manage My Account. Non-admitted government counsel should enter N/A in lieu of an admission date. Use the second page to add additional counsel.

Party Information. List all parties, intervenors, amicus curiae, or movants represented by below counsel; "et al." is not permitted.

DEPARTMENT OF JUSTICE

Principal Counsel: Ioana Cristei Meyer	Admission Date: 07/24/2018
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Firm/Agency/Org.: United States Department of Justice, Commercial Litigation Branch

Address: PO Box 480, Ben Franklin Station, Washington, DC 20044
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Phone: (202) 305-0001	Email: Ioana.Cristei@usdoj.gov
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Other Counsel:	Admission Date:
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Firm/Agency/Org.:

Address:

Phone:	Email:
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I certify under penalty of perjury that (1) the submitted information is true and accurate and (2) I am authorized to enter an appearance by all other listed counsel.

Date: 2/14/23

Signature: /s/ Ioana Cristei Meyer

Name: Ioana Cristei Meyer

FORM 30. Certificate of Service

Form 30
July 2020**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE****Case Number** 2023-117**Short Case Caption** In re: Seized Federal Securities

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on 02/14/2023
 by ☒ U.S. Mail ☐ Hand Delivery ☐ Email ☐ Facsimile
☐ Other: _____

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
Seized Federal Securities	PO Box 381292 Clinton Township, MI 48038

☐ Additional pages attached.Date: 02/14/2023Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

UNITED STATES SUPREME COURT

IN RE: UNITED STATES DEPARTMENT OF THE TREASURY

Case#
USCA#2023-00117

RULE 22 APPLICATION FOR COURT TO ENFORCE ITS U.S. MARSHALS
TO: Chief Justice John G. Roberts

On 7/8/21 and 7/23/21 under the direct ORDER of the United States Department of the Treasury, the undersigned Applicant and also the Respondent in the lower court, the U.S. Marshals Service arrested CLASSIFIED SEIZED FEDERAL SECURITIES per. I.R.S. taxpayer account #56-0906609 BANK OF AMERICA and #14-202658 BCT and a portion is now held in this Court's U.S. Marshals custody. See attached U.S.M.-285.

Please direct the Court to ORDER its U.S. Marshals to return the property per. newly submitted U.S.M.-285 forms instruction.

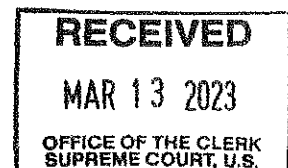
"Since in statutory scheme, office of Marshal exists as arm of office of Attorney General, commitment to Marshal can only be construed as commitment to Attorney General." (See United States V. Howard, 545 F.2d 1044, 6th Cir. 1976)

Dated: 3-03-2023

/s/ Duane L Berry
United States Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, DC 20220
(Applicant)

/s/ Ioana Cristei Meyer
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
(Counsel)

/s/ Elizabeth Prelogar
Solicitor General
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
(Counsel)



U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See 28 U.S.C. § 531 and 28 U.S.C. § 532

PLAINTIFF U.S. DEPARTMENT OF THE TREASURY	COURT CASE NUMBER 1:21-cv-00717 CAP
DEFENDANT SEIZED FEDERAL SECURITIES	TYPE OF PROCESS SUBPOENA/WARRANT
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONFISCATE Martins Tower Inc	
ADDRESS (City or P.O. Box, Apartment No., City, State and Zip Code) 1101 P. Y. Kilduff Hwy, Brownsville, TX 77801	

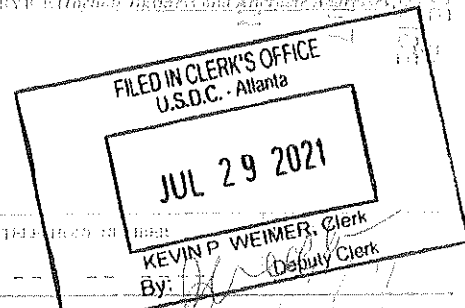
SEND NOTICE OF SERVICE (NOT TO BE REQUESTED AT NAME AND ADDRESS BELOW)

U.S. DEPARTMENT OF THE TREASURY
Attn: Mr. Brent J. McIntosh
(General Counsel)
1500 Pennsylvania Ave., NW
Washington, DC 20220

Number of persons to be served with this Form 285	1
Number of persons to be served in this case	1
Check the square in U.S.A.	YES

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXECUTING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service.)

(SEE ATTACHED WARRANT)



Signature of Attorney or other person requesting service on behalf of

☐ PLAINTIFF
☐ DEFENDANT

By: **KEVIN P. WEIMER, Clerk (Deputy Clerk)**

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

To Knowledge (except for the total number of persons indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Persons 1	District of Origin 34	U.S. Marshal 6/11	Signature of Authorized USM Deputy or Clerk Edw. P. Taylor	Date 7/23/21
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I hereby certify and return that ☒ I have personally served, ☐ I have legal evidence of service, ☐ I have executed as shown in "Remark 2", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc., shown at the address indicated below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Ashley Pearce (Office Manager)

Address (if not shown above)

Same as above

☒ A person of suitable age and discretion then residing in defendant's household (if above)

Date 7/23/2021	Time 9:43	Signature of U.S. Marshal or Deputy Edw. P. Taylor #3061
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Service Fee	Total Mileage Charges (including out-of-pocket) 14 miles / 1 hour	Person paying fee	Total Cost \$0.00	Amount of Payment
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REMARKS

Served without incident to Ashley Pearce, Office Manager of Martins Tower Inc. on 7/23/2021 @ 0943 hrs.

FOR THE CLERK

1. CLERK OF THE COURT * 1 endeavor 7/24/2021
2. USMS RECORD * 14 miles
3. NOTICE OF SERVICE
4. BILLING STATEMENT - To be returned to the U.S. Marshal with payment if any amount is owed. Fees must promptly payable to U.S. Marshal
5. A VOUCHER FOR THE SERVICE * 1 hour

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12/15/20
Not to be used for

PLAINTIFF U.S. DEPARTMENT OF THE TREASURY	COURT CASE NUMBER 1:21-cv-00717- CAP
DEFENDANT SEIZED FEDERAL SECURITIES	TYPE OF PROCESS WARRANT
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN SERVE AT CNN ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 1 CNN Center, Atlanta, GA 30303	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285 1
U.S. DEPARTMENT OF THE TREASURY Attn: Mr. Brent J. McIntosh (General Counsel) 1500 Pennsylvania Ave., NW Washington, DC 20220	Number of parties to be served in this case 1
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

PLEASE MAINTAIN LEAKED TAX RECORDS, 'SEIZED FEDERAL SECURITIES' (Defendant) in your custody until further notice

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

6/16/21

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. A19	District to Serve No. A19	Signature of Authorized USMS Deputy or Clerk Jain Bane	Date 7/8/21
--	---------------------------	--------------------------------------	-------------------------------------	--	-----------------------

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

Linda Banks

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

289 Culver Street

AUG 16 2021

Date

Time

☒ am
☐ pm

Lawrenceville, GA 30046

KEVIN P. WEIMER, Clerk

By: **Sp...** Deputy Clerk

Signature of U.S. Marshal or Deputy

Service Fee *	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges \$492.24	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
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REMARKS:

1) 404-827-1500 2) legal dept 4-827-4987 CT Corp 289 Culver St. S Lawrenceville
General # Kelly

PRINT COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

*** see capture report for list of charges.**

PRIOR EDITIONS MAY BE USED

UNITED STATES DISTRICT COURT

GARDNER-ALFRED et al,
Plaintiffs,

V.

Case#1:2022cv01585

FEDERAL RESERVE BANK OF NEW YORK,
Defendant

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Per automatic substitution of Defendant Federal Reserve Bank of New York (SEIZED FEDERAL SECURITIES) see attached Dkt#136, The Department of Justice Commercial Litigation Branch is now the attorney require on behalf of the U.S. Department of the Treasury and make service on (SEIZED FEDERAL SECURITIES) See attached.

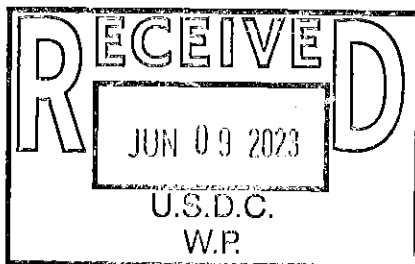
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I declare under penalty of perjury that this notice has been served by U.S. Certified Mail on all parties.

Dated: 06-06-2023

/s/ DUANE LETROY BERRY (FEDERAL TRUSTEE)
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, D.C. 20220



		by Federal Reserve Bank of New York. (Attachments: # <u>1</u> Exhibit 1 (Plaintiffs' production cover letter dated February 10, 2023), # <u>2</u> Exhibit 2 (Plaintiffs' production cover letter dated February 23, 2023)).(Leonard, Alex) (Entered: 04/28/2023)
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**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

January 24, 2023

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2023-117

Federal Circuit Short Caption: In re: Seized Federal Securities

Date of Docketing: January 24, 2023

Originating Tribunal: United States District Court for the Northern District of Texas

Originating Case No.: 3:21-cv-00393-D-BT

Petitioner: Seized Federal Securities

A petition for writ of mandamus has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

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- Fee payment or appropriate fee waiver request, if the docketing fee was not prepaid (see Fee Payment below).

FORM 8A. Entry of Appearance

Form 8A (p.1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

ENTRY OF APPEARANCE

Case Number: 2023-117

Short Case Caption: In re: Seized Federal Securities

Instructions: Refer to Fed. Cir. R. 47.3 for requirements governing representation and appearance in this court. Counsel must immediately file an amended Entry of Appearance if contact information changes and update information through PACER's Manage My Account. Non-admitted government counsel should enter N/A in lieu of an admission date. Use the second page to add additional counsel.

Party Information. List all parties, intervenors, amicus curiae, or movants represented by below counsel; "et al." is not permitted.

DEPARTMENT OF JUSTICE

Principal Counsel: Ioana Cristei Meyer	Admission Date: 07/24/2018
---	-----------------------------------

Firm/Agency/Org.: United States Department of Justice, Commercial Litigation Branch

Address:
PO Box 480, Ben Franklin Station, Washington, DC 20044

Phone: (202) 305-0001	Email: Ioana.Cristei@usdoj.gov
------------------------------	---------------------------------------

Other Counsel:	Admission Date:
-----------------------	------------------------

Firm/Agency/Org.:

Address:

Phone:	Email:
---------------	---------------

I certify under penalty of perjury that (1) the submitted information is true and accurate and (2) I am authorized to enter an appearance by all other listed counsel.

Date: 2/14/23

Signature: /s/ Ioana Cristei Meyer

Name: Ioana Cristei Meyer

FORM 30. Certificate of Service

Form 30
July 2020**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE****Case Number** 2023-117**Short Case Caption** In re: Seized Federal Securities

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on 02/14/2023

by ☒ U.S. Mail ☐ Hand Delivery ☐ Email ☐ Facsimile
☐ Other: _____

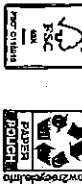
on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
Seized Federal Securities	PO Box 381292 Clinton Township, MI 48038

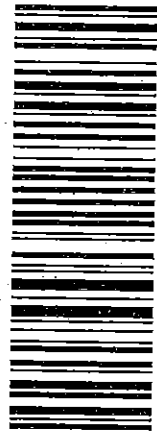
☐ Additional pages attached.Date: 02/14/2023Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL



CERTIFIED MAIL®



7022 2410 0001 6480 8434

Domestic use.

**PRIORITY®
MAIL**

Domestic shipments include \$100 of insurance (restrictions apply).*

USPS Tracking® service included for domestic and many international destinations.

Limited international insurance.**

When used internationally, a customs declaration form is required.

Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at <http://pe.usps.com>.

** See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. District Court
Southern District of New York
Clerk of the Court
300 Quannopas St.
White Plains, NY 10601

9590 9402 7956 2305 6909 90



COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

B. Received by (Printed Name)

☐ Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

over \$500
Registered Mail
Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

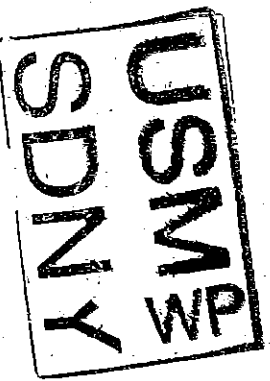
Domestic Return Receipt

FROM:

UNITED STATES DEPT. OF TREASURY
1500 PENNSYLVANIA AVE. NW
WASHINGTON, D.C. 20220

TO:

U.S. District Court
Southern District of New York
Clerk of the Court
300 Quannopas St.
White Plains, NY 10601



U.S. POSTAGE PAID
PM
CLINTON TOWNSHIP, MI
48038
JUN 26 23
AMOUNT
\$17.15
R2305M1 44006-32

RDC 04

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